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Dated: October 21, 2008

Signature: /Kongsik Kim/  
(Kongsik Kim)

Docket No.: 64291 (71719)  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Yoshihito HAGAWA, *et al.*

Application No.: 10/552,542

Confirmation No.: 2577

Filed: October 11, 2005

Art Unit: 1651

For: FEED COMPOSITION

Examiner: D. K. WARE

**STATEMENT BY THE ATTORNEY OF RECORD REGARDING THE DEPOSIT OF  
MICROORGANISMS UNDER THE BUDAPEST TREATY**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Non-Final Office Action dated July 22, 2008 of the above-referenced application, I, Kongsik Kim, state that:

1. I am an associate in the firm of Edwards Angell Palmer & Dodge, LLP located at 111 Huntington Avenue, Boston, Massachusetts 02199.
2. I am an attorney of record in the above-referenced application.
3. Deposit of the *Lactobacillus gasseri* OLL 2716 strain, which is described in the above-referenced application, were made before the filing date of the application under the provisions of the Budapest Treaty. More specifically, as shown in the attached Form BP/4, the strain was deposited under the terms of the Budapest Treaty on January 4, 2000 at the Research Institute of Life Science and Technology, the Agency of Industrial Science and Technology, Ministry of International Trade and Industry (located at 1-1-3. Higashi,

Tsukuba, Ibaraki 305-8566, Japan), the current name of which is International Patent Organism Depository, National Institute of Advanced Industrial Science and Technology (located at Central 6, 1-1-1 Higashi, Tsukuba, Ibaraki 305-8566, Japan), with the accession number of FERM BP-6999, for patent purposes.

4. During the pendency of this application, access will be afforded to the Commissioner upon request.

5. All restrictions or conditions on the availability to the public of the microorganism deposited will be irrevocably removed upon the granting of a patent from the above-identified application.

6. The deposit will be maintained in a public repository for a period of 30 years or 5 years after the last request or for the effective life of the patent, whichever is longer.

7. The deposit will be replaced if it should ever become inviable.

Respectfully submitted,

Date: October 21, 2008

/Kongsik Kim/

Kongsik Kim  
(Reg. No. L0364)

Edwards Angell Palmer & Dodge LLP  
P.O. Box 55874  
Boston, MA 02205  
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Attorneys/Agents For Applicants



特許手続上の微生物の寄託の国際的承認  
に関するブダペスト条約

下記国際寄託当局によって規則 7. 1 に従い  
発行される。

### 原寄託についての受託証

氏名 (名称)

明治乳業株式会社

代表取締役

中山 悠

寄託者

あて名 〒

東京都中央区京橋 2 丁目 3 番 6 号

殿

BUDAPEST TREATY ON THE INTERNATIONAL  
RECOGNITION OF THE DEPOSIT OF  
MICROORGANISMS FOR THE PURPOSES OF  
PATENT PROCEDURE

RECEIPT IN THE CASE OF AN ORIGINAL  
DEPOSIT

issued pursuant to Rule 7.1 by the  
INTERNATIONAL DEPOSITARY AUTHORITY  
identified at the bottom of this  
page.

#### 1. 微生物の表示

(寄託者が付した識別のための表示)

*Lactobacillus gasseri* OLL 2716

(受託番号)

FERM BP- 6999

#### 2. 科学的性質及び分類学上の位置

1 株の微生物には、次の事項を記載した文書が添付されていた。

☒ 科学的性質

☒ 分類学上の位置

#### 3. 受領及び受託

本国際寄託当局は、平成 11 年 5 月 24 日 (原寄託日) に受領した 1 株の微生物を受託する。

#### 4. 移管請求の受領

本国際寄託当局は、平成 11 年 5 月 24 日 (原寄託日) に 1 株の微生物を受領した。  
そして、平成 12 年 1 月 14 日に原寄託よりブダペスト条約に基づく寄託への移管請求を受領した。  
(平成 11 年 5 月 24 日に寄託された微生物寄託第 P- 17399 号より移管)

#### 5. 国際寄託当局

通商産業省工業技術院生命工学工業技術研究所

名称: National Institute of Bioscience and Human-Technology  
Agency for Chemical Science and Technology

所長 大簗 信

Dr. Shin

Director-General

あて名: 日本国茨城県つくば市 1 丁目 1 番 3 号 (郵便番号 305-8566)

1-3, Higashi 1-chome Tsukuba-shi Ibaraki-ken

305-8566, JAPAN

平成 12 年 (2000) 1 月 14 日